

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Home

Home—General Division

Notification

No. 17/14/2000-HD (G)

In exercise of the powers conferred by sub-section (1) of section 3 of the Seaward Artillery Practice Act, 1949 (VIII of 1949), the Governor of Goa hereby authorises the armed forces to carry out seaward artillery practice over the area specified below during the period from the 1st day of September 2000 to 1st day of September 2010 both days inclusive:-

FIRING AREA

	Latitude	Longitude
(a)	15° 13' N.	73° 57' E.
(b)	15° 13' N.	73° 52' E.
(c)	15° 11' N.	73° 57' E.
(d)	15° 13' N.	73° 52' E.

By joining (a) and (b) by straight line (b) to (c) by straight line (c) to (d) by straight line (d) to (a) by straight line.

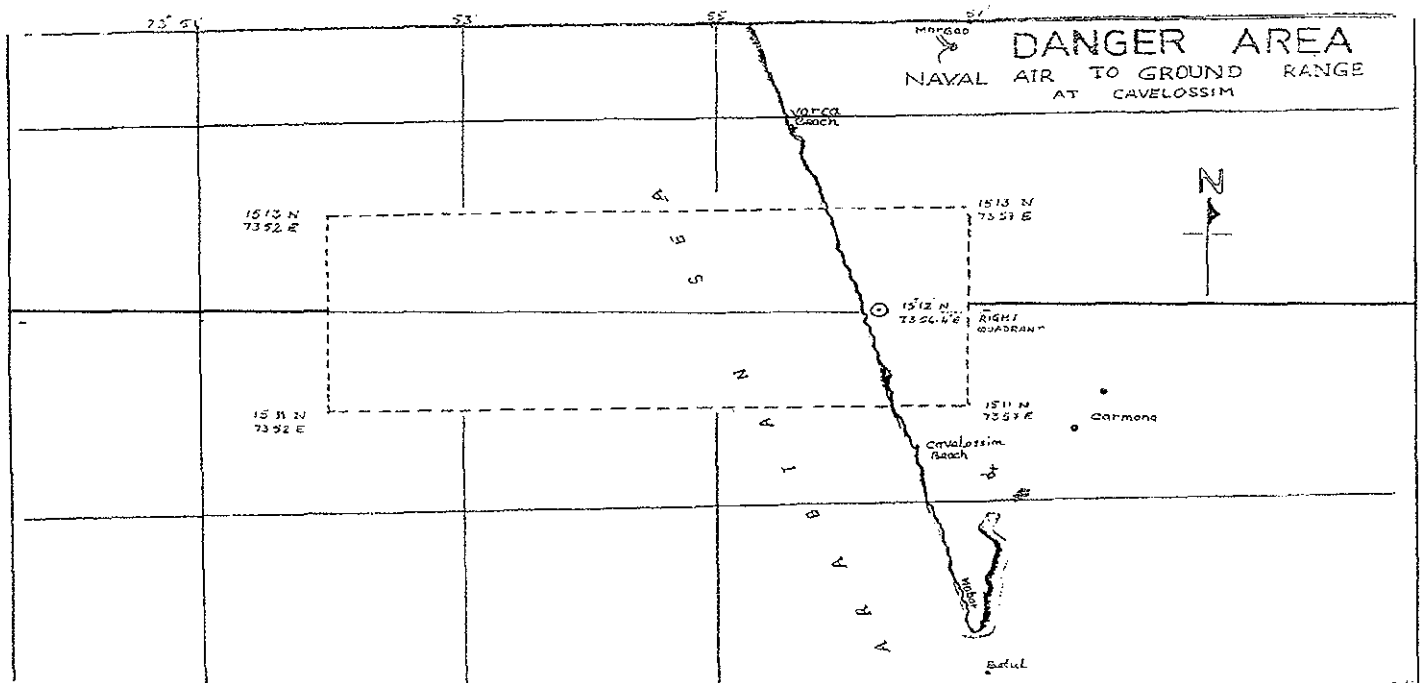
The danger lies in the above specified area. The public are hereby warned to keep clear of the said area, whenever the said practices are promulgated.

A copy of the map of the area is appended herewith.

By order and in the name of the Governor of Goa.

A. Mascarenhas, Under Secretary (Home).

Panaji, 26th September, 2000.



GOVERNMENT PRINTING PRESS,

PANAJI-GOA

PRICE: Rs. 1.00

the time of hearing on 25-8-99 at Goa, the was represented by his Advocate who stated there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 7-8-99. Further, lessee's Advocate stated during the hearing:

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99:

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the

amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the party is not maintainable as the Section 16(1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this Act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification no. 5/51/87-ILD-PF dated 19-11-87 and subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957 Act, 1987 and the rules made thereunder, the period of lease may be reduced to the extent of 18 months upto 22-11-88.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been

extended to the State of Goa vide notification dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

and the rules made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. AMBESH
Controller of Mining
Leases for India.